IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ABINGDON DIVISION

UNITED STATES OF AMERICA)	
)	
)	Case No. 1:00CR00016
)	
V.)	FINAL ORDER
)	
JOHNNY TURLEY,)	By: James P. Jones
)	United States District Judge
Defendant.)	_

For the reasons set forth in the Opinion accompanying this Final Order, it is **ORDERED** as follows:

- 1. Johnny Turley's Motion to Vacate, Set Aside or Correct Sentence, pursuant to 28 U.S.C.A. § 2255, is GRANTED as to his claim that his conviction under 18 U.S.C.A. § 922(g)(1) and his sentence under 18 U.S.C.A. § 924(e) are unlawful under *United States v. Simmons*, 649 F.3d 237 (4th Cir. 2011) (en banc); Turley's sentence is VACATED, effective upon resentencing by this court; and the current § 2255 action is hereby STRICKEN from the active docket of the court as fully resolved;
- 2. The United States' Amended Motion to Seal Exhibit 2 (Turley's Presentence Investigation Report) and to serve its Response

to the § 2255 motion without Exhibit 2 is GRANTED, and the

original Motion to Seal is DISMISSED as moot;

3. The Clerk is DIRECTED to schedule a resentencing hearing

with the defendant present;

4. The Clerk is DIRECTED to make arrangements for the

appointment of counsel to represent Turley for resentencing; and

5. The Clerk will send a copy of the Opinion and this Order to

the defendant at his place of confinement.

ENTER: October 1, 2012

/s/ James P. Jones

United States District Judge

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